

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-102

12 **JESUS RICARDO ROJAS**
13 5768 East Ashlan Avenue
Fresno, CA 93727

ACCUSATION

14 Registered Nurse License No. 684752

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about July 27, 2006, the Board issued Registered Nurse License Number
23 684752 to Jesus Ricardo Rojas ("Respondent"). Respondent's registered nurse license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,
25 2009, unless renewed.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7
8
9

10

11

12

13

14

15
16
17

18

19
20

21

22
23
24
25

26

27

28

1 (c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of
3 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof. . .

4 **COST RECOVERY**

5 7. Code section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Criminal Convictions)**

11 8. Respondent is subject to disciplinary action pursuant to Code section 2761,
12 subdivision (f), in that he was convicted of crimes which are substantially related to the
13 qualifications, functions, and duties of a registered nurse, as follows:

14 a. On or about June 27, 2006, in the criminal proceeding titled *People v. Jesus Ricardo*
15 *Rojas* (Sup. Ct. Fresno County, Central Division, 2006, No. T06904798-6), Respondent was
16 convicted by the Court on his plea of guilty to one misdemeanor count in violation of Vehicle
17 Code section 23152, subdivision (b) (driving with a 0.08% or higher blood alcohol level). The
18 incident upon which the conviction is based occurred on approximately November 24, 2005.

19 b. On or about October 29, 2008, in the criminal proceeding titled *People v. Jesus*
20 *Ricardo Rojas* (Sup. Ct. Fresno County, Central Division, 2008, No. M08926972, Respondent
21 was convicted by the Court on his plea of nolo contendere to one misdemeanor count in violation
22 of Vehicle Code section 23152, subdivision (b) with an admission of one prior. Further,
23 Respondent stipulated that his blood alcohol content on the date of the incident was .14 percent.
24 The incident upon which the conviction is based occurred on approximately October 26, 2008.

25 ///

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2

3

4
5
6
7
8

9

10

11
12
13
14
15

16

17

18
19
20

21
22

23
24
25
26
27
28


1 c. On or about April 26, 2006, Respondent provided the Board with a letter outlining his
2 convictions. Respondent stated he was convicted on February 1, 1995, for contributing to the
3 delinquency of a minor and was arrested on November 24, 2005, for driving under the influence
4 of alcohol¹. However, Respondent failed to divulge to the Board that on April 10, 2000, in the
5 criminal proceeding titled *People v. Jesus Ricardo Rojas* (Sup. Ct. Fresno County, Central
6 Division, 2000, No. T00901637-9), he was convicted by the Court on his plea of no contest to one
7 misdemeanor count in violation of Vehicle Code section 23109, subdivision (a) (engaging in a
8 speed contest).

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 684752, issued to Jesus
13 Ricardo Rojas;
- 14 2. Ordering Jesus Ricardo Rojas to pay the Board of Registered Nursing the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 8/28/09

19 
20 LOUISE R. BAILEY, M.Ed., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

26
27 03579110SA2009310373
28 10470373.doc

¹ As stated in subparagraph 8(a), Respondent was not convicted of this driving under the influence charge until June 27, 2006.